

DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that our residence, post office address and citizenships are as stated below next to our names, and that:

We believe that we we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **MEDICAL DEVICE HAVING ANTI-INFECTIVE AND CONTRACEPTIVE PROPERTIES**, the specification of which is being filed herewith.

This application in part discloses and claims subject matter disclosed in earlier filed copending application Serial No. 09/179,233, filed on October 26, 1998, and application Serial No. 09/265,196, filed on March 10, 1999.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application and to patentability as defined in Title 37 Code of Federal Regulations §1.56.

We hereby claim priority benefits under Title 35, United States Code §119(e) of copending Provisional Application No. 60/090,014, filed on June 19, 1998.

We hereby claim foreign priority benefits under Title 35 United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35 United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

09/179,233, filed October 26, 1998

09/265,196, filed March 10, 1999

We hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 United States Code §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

EDWARD J. LYNCH, Registration No. 24,422
WILLIAM SCHMONSEES, Registration No. 31,796
DEREK P. FREYBERG, Registration No. 29,250
HERWIG von MORZÉ, Registration No. 29,484
WILLIAM B. ANDERSON, Registration No. 41,585
WALTER KURZ, Registration No. 37,373
Y. PING CHOW, Registration No. 30,740
PRISCILLA MARK, Registration No. 41,970
ALICIA HAGER, Registration No. 44,140
ROBERT F. DENNIS, Registration No. 40,988
VICTORIA L. BOYD, Registration No. 43,510
JACQUES DULIN, Registration No. 24,067

of the firm

Heller Ehrman White & McAuliffe
525 University Avenue, Suite 1100
Palo Alto, CA 94301-1900
(650) 324-7000

All communications should be directed to:

Derek P. Freyberg
Heller Ehrman White & McAuliffe
525 University Avenue, Suite 1100
Palo Alto, CA 94301-1900
Direct Dial: (650) 324-7014

Full Legal Name of First and Joint Inventor: Terrence R. Green

Executed on this _____ day of _____, 19_____.

Inventor's Signature: _____

Residence: 13851 Verte Court, Lake Oswego, Oregon 97034

Post Office Address: (same as above)

Citizenship: United States of America

Full Legal Name of First and Joint Inventor: Jack Fellman

Executed on this _____ day of _____, 19_____.

Inventor's Signature: _____

Residence: 651 Tanglewood Circle, McMinnville, OR

Post Office Address: (same as above)

Citizenship: United States of America